
SUBSTITUTE SENATE BILL 6778

State of Washington

60th Legislature

2008 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators McDermott, Fairley, Brown, Oemig, Kline, Shin, and Kohl-Welles)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to allowing voter registration up to and on
2 election day; amending RCW 29A.08.145 and 29A.08.820; reenacting and
3 amending RCW 29A.04.611; and adding a new section to chapter 29A.08
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 29A.08.145 and 2006 c 97 s 2 are each amended to read
7 as follows:

8 (1) This section establishes a special procedure which an elector
9 not registered in the state may use to register to vote during the
10 period beginning after the closing of registration for voting at the
11 polls under RCW 29A.08.140 and ending on the fifteenth day before a
12 primary, special election, or general election or, for elections held
13 after August 1, 2009, ending on the day of a primary, special election,
14 or general election.

15 (2) A qualified elector in the state may register to vote in person
16 in the office of the county auditor of the county in which the
17 applicant resides, or at a voter registration location specifically
18 designated for this purpose by the county auditor or secretary of
19 state, and apply for an absentee ballot for that primary or election.

1 The auditor or registration assistant shall register that individual in
2 the manner provided in this chapter. The application for an absentee
3 ballot executed by the newly registered voter for the primary or
4 election that follows the execution of the registration shall be
5 promptly transmitted to the auditor with the completed voter
6 registration form.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08 RCW
8 to read as follows:

9 If a voter registration application submitted pursuant to RCW
10 29A.08.145 is not complete under RCW 29A.08.110, or if the information
11 on the voter registration application cannot be matched by the
12 secretary of state pursuant to RCW 29A.08.107, and the deficiency or
13 discrepancy has not been resolved prior to certification of the
14 election, the ballot submitted by the applicant shall not be counted.

15 **Sec. 3.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to read
16 as follows:

17 (1) Except for subsection (4) of this section, challenges initiated
18 by a registered voter against a voter who registered to vote less than
19 sixty days before the election, or who changed residence less than
20 sixty days before the election without transferring his or her
21 registration, must be filed not later than ten days before any primary
22 or election, general or special, or within ten days of the voter being
23 added to the voter registration data base, whichever is later, at the
24 office of the appropriate county auditor. Challenges initiated by a
25 registered voter against any other voter must be filed not later than
26 forty-five days before the election. Challenges initiated by the
27 office of the county prosecuting attorney must be filed in the same
28 manner as challenges initiated by a registered voter.

29 (2)(a) If the challenge is filed within forty-five days before an
30 election at which the challenged voter is eligible to vote, a notation
31 of the challenge must be made immediately in the poll book or voter
32 registration system, and the county canvassing board presides over the
33 hearing.

34 (b) If the challenge is filed before the challenged voter's ballot
35 is received, the ballot must be treated as a challenged ballot. A

1 challenged ballot received at a polling place must be placed in a
2 sealed envelope separate from other voted ballots.

3 (c) If the challenge is filed after the challenged voter's ballot
4 is received, the challenge cannot affect the current election.

5 (3) If the challenge is filed at least forty-five days before an
6 election at which the challenged voter is eligible to vote, the county
7 auditor presides over the hearing.

8 (4) Challenges initiated by a registered voter against a voter who
9 registered to vote on or less than fourteen days before the day of the
10 election must be filed at a time as prescribed in rules adopted by the
11 secretary of state pursuant to RCW 29A.04.611.

12 **Sec. 4.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are
13 each reenacted and amended to read as follows:

14 The secretary of state as chief election officer shall make
15 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
16 with the federal and state election laws to effectuate any provision of
17 this title and to facilitate the execution of its provisions in an
18 orderly, timely, and uniform manner relating to any federal, state,
19 county, city, town, and district elections. To that end the secretary
20 shall assist local election officers by devising uniform forms and
21 procedures.

22 In addition to the rule-making authority granted otherwise by this
23 section, the secretary of state shall make rules governing the
24 following provisions:

- 25 (1) The maintenance of voter registration records;
- 26 (2) The preparation, maintenance, distribution, review, and filing
27 of precinct maps;
- 28 (3) Standards for the design, layout, and production of ballots;
- 29 (4) The examination and testing of voting systems for
30 certification;
- 31 (5) The source and scope of independent evaluations of voting
32 systems that may be relied upon in certifying voting systems for use in
33 this state;
- 34 (6) Standards and procedures for the acceptance testing of voting
35 systems by counties;
- 36 (7) Standards and procedures for testing the programming of vote
37 tallying software for specific primaries and elections;

1 (8) Standards and procedures for the preparation and use of each
2 type of certified voting system including procedures for the operation
3 of counting centers where vote tallying systems are used;

4 (9) Standards and procedures to ensure the accurate tabulation and
5 canvassing of ballots;

6 (10) Consistency among the counties of the state in the preparation
7 of ballots, the operation of vote tallying systems, and the canvassing
8 of primaries and elections;

9 (11) Procedures to ensure the secrecy of a voter's ballot when a
10 small number of ballots are counted at the polls or at a counting
11 center;

12 (12) The use of substitute devices or means of voting when a voting
13 device at the polling place is found to be defective, the counting of
14 votes cast on the defective device, the counting of votes cast on the
15 substitute device, and the documentation that must be submitted to the
16 county auditor regarding such circumstances;

17 (13) Procedures for the transportation of sealed containers of
18 voted ballots or sealed voting devices;

19 (14) The acceptance and filing of documents via electronic
20 facsimile;

21 (15) Voter registration applications and records;

22 (16) The use of voter registration information in the conduct of
23 elections;

24 (17) The coordination, delivery, and processing of voter
25 registration records accepted by driver licensing agents or the
26 department of licensing;

27 (18) The coordination, delivery, and processing of voter
28 registration records accepted by agencies designated by the governor to
29 provide voter registration services;

30 (19) Procedures to receive and distribute voter registration
31 applications by mail;

32 (20) Procedures for a voter to change his or her voter registration
33 address within a county by telephone;

34 (21) Procedures for a voter to change the name under which he or
35 she is registered to vote;

36 (22) Procedures for canceling dual voter registration records and
37 for maintaining records of persons whose voter registrations have been
38 canceled;

- 1 (23) Procedures for the electronic transfer of voter registration
2 records between county auditors and the office of the secretary of
3 state;
- 4 (24) Procedures and forms for declarations of candidacy;
- 5 (25) Procedures and requirements for the acceptance and filing of
6 declarations of candidacy by electronic means;
- 7 (26) Procedures for the circumstance in which two or more
8 candidates have a name similar in sound or spelling so as to cause
9 confusion for the voter;
- 10 (27) Filing for office;
- 11 (28) The order of positions and offices on a ballot;
- 12 (29) Sample ballots;
- 13 (30) Independent evaluations of voting systems;
- 14 (31) The testing, approval, and certification of voting systems;
- 15 (32) The testing of vote tallying software programming;
- 16 (33) Standards and procedures to prevent fraud and to facilitate
17 the accurate processing and canvassing of absentee ballots and mail
18 ballots, including standards for the approval and implementation of
19 hardware and software for automated signature verification systems;
- 20 (34) Standards and procedures to guarantee the secrecy of absentee
21 ballots and mail ballots;
- 22 (35) Uniformity among the counties of the state in the conduct of
23 absentee voting and mail ballot elections;
- 24 (36) Standards and procedures to accommodate out-of-state voters,
25 overseas voters, and service voters;
- 26 (37) The tabulation of paper ballots before the close of the polls;
- 27 (38) The accessibility of polling places and registration
28 facilities that are accessible to elderly and (~~disabled persons~~)
29 individuals with disabilities;
- 30 (39) The aggregation of precinct results if reporting the results
31 of a single precinct could jeopardize the secrecy of a person's ballot;
- 32 (40) Procedures for conducting a statutory recount;
- 33 (41) Procedures for filling vacancies in congressional offices if
34 the general statutory time requirements for availability of absentee
35 ballots, certification, canvassing, and related procedures cannot be
36 met;
- 37 (42) Procedures for the statistical sampling of signatures for

1 purposes of verifying and canvassing signatures on initiative,
2 referendum, and recall election petitions;

3 (43) Standards and deadlines for submitting material to the office
4 of the secretary of state for the voters' pamphlet;

5 (44) Deadlines for the filing of ballot titles for referendum bills
6 and constitutional amendments if none have been provided by the
7 legislature;

8 (45) Procedures for the publication of a state voters' pamphlet;

9 (46) Procedures for conducting special elections regarding nuclear
10 waste sites if the general statutory time requirements for availability
11 of absentee ballots, certification, canvassing, and related procedures
12 cannot be met;

13 (47) Procedures for conducting partisan primary elections;

14 (48) Standards and procedures for the proper conduct of voting
15 during the early voting period to provide accessibility for the blind
16 or visually impaired;

17 (49) Standards for voting technology and systems used by the state
18 or any political subdivision to be accessible for individuals with
19 disabilities, including nonvisual accessibility for the blind and
20 visually impaired, in a manner that provides the same opportunity for
21 access and participation, including privacy and independence, as other
22 voters;

23 (50) All data formats for transferring voter registration data on
24 electronic or machine-readable media for the purpose of administering
25 the statewide voter registration list required by the Help America Vote
26 Act (P.L. 107-252);

27 (51) Defining the interaction of electronic voter registration
28 election management systems employed by each county auditor to maintain
29 a local copy of each county's portion of the official state list of
30 registered voters;

31 (52) Provisions and procedures to implement the state-based
32 administrative complaint procedure as required by the Help America Vote
33 Act (P.L. 107-252);

34 (53) Facilitating the payment of local government grants to local
35 government election officers or vendors; (~~and~~)

36 (54) Standards for the verification of signatures on absentee,
37 mail, and provisional ballot envelopes; and

1 (55) Provisions and procedures for voter registration challenges,
2 consistent with the requirements of RCW 29A.08.810, of voters who
3 register on the day of or within fourteen days before a primary,
4 special election, or general election under RCW 29A.08.145.

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